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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, MAY 8, 2012, AT 4:30 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder Steve Buhler Don Christensen Tom Huynh Karen Lang Corey Rushton Steve Vincent

Wayne Pyle, City Manager Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Assistant City Manager Kevin Astill, Parks and Recreation Director Jim Welch, Finance Director John Evans, Fire Chief Eric Bunderson, City Attorney Buzz Nielsen, Police Chief Russell Willardson, Public Works Director Layne Morris, CPD Director Nicole Cottle, CED Director Steve Pastorik, CED Department Steve Lehman, CED Department Kevin Conde', Administration Owen Jackson, Administration Dan Johnson, Public Works Department Jeff Nosack, Public Works Department Jake Arslanian, Public Works Department Ray Hinkle, Public Works Department Kelly Davis, CPD Department Jason Nau, Administration Intern

1. APPROVAL OF MINUTES OF STUDY MEETING HELD APRIL 24, 2012

The Council read and considered Minutes of the Study Meeting held April 24, 2012. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Study Meeting held April 24, 2012, as written. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

2. TERRI NEWELL AND JESSE BARTON, UDOT PROJECT TEAM – MOUNTAIN VIEW CORRIDOR UPDATE

Mayor Winder welcomed Terri Newell and Jesse Barton, Utah Department of Transportation (UDOT) Transportation Team, to the meeting and invited them to proceed with an update regarding the Mountain View Corridor.

Using PowerPoint, Ms. Barton discussed information summarized as follows:

- Roadway being built in phases from south to north
- Photographs of southern portions under construction and close to completion
- Timeline for construction and completion of various sections
- Meetings with property owners
- 15 miles open by end of 2012
- Graph showing progress of work
- Residential property acquisitions in West Valley City
- Funding

During the above presentation, Ms. Newell and Mr. Barton answered questions from members of the City Council.

3. RESOLUTION NO. 12-65, AUTHORIZING EXECUTION AND DELIVERY OF AN INTERLOCAL SALES TAX PLEDGE AND LOAN AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, UTAH, OF ITS TAX INCREMENT AND SUBORDINATE SALES TAX REVENUE BONDS, SERIES 2012, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,800,000; AND RELATED MATTERS

City Manager, Wayne Pyle, stated Laura Lewis, Lewis Young Robertson & Burningham, the City's financial advisor, was in attendance and he requested proposed Resolution No. 12-65 on the agenda be discussed out of order on the agenda.

City Manager, Wayne Pyle, discussed proposed Resolution No. 12-65 which would authorize the execution and delivery of an Interlocal Sales Tax Pledge and Loan Agreement in connection with the issuance by the Redevelopment Agency of West Valley City, Utah, of its Tax Increment and Subordinate Sales Tax Revenue Bonds, Series 2012, in the aggregate principal amount of not to exceed \$6,800,000; and related matters.

Mr. Pyle stated the Redevelopment Agency had determined it would be in furtherance of its public purposes to issue not more than \$6,800,000 of tax increment revenue bonds to provide funds to (i) finance costs of acquiring various properties within the Redevelopment Project Area; (ii) fund a debt service revenue fund, if necessary; and (iii) pay costs associated with the issuance of the bonds. He further stated in order to make these bonds more marketable an interlocal agreement with the City would be needed that would require the City to pledge sales tax revenue if tax increment pledged to the 2012 bonds was insufficient to pay debt service on the bonds.

The City Manager advised the Limited Purpose Local Government Entities-Community Development and Renewal Agencies Act, under Title 17C of the Utah Code, allowed the City to grant or contribute funds to the Agency pursuant to an interlocal agreement.

Laura Lewis reviewed details of the proposed transaction, the timeline, and Offer Sheet from Bank of America. The City Manager and Ms. Lewis also answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 12-65 at the Regular Council Meeting scheduled May 15, 2012, at 6:30 P.M.

4. **REVIEW AGENDA FOR REGULAR MEETING SCHEDULED MAY 8, 2012** City Manager, Wayne Pyle, stated no new items had been added to the Agenda for the Regular Council Meeting scheduled May 8, 2012, at 6:30 P.M.

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Upon inquiry, there were no questions regarding any of the items on the agenda for the Regular Meeting.

5. AWARDS, CEREMONIES AND PROCLAMATIONS SCHEDULED MAY 15, 2012:

A. EAC QUARTERLY DIVISION AWARD – STATION 74 B PLATOON, FIRE DEPARTMENT

City Manager, Wayne Pyle, stated Councilmember Rushton would read a nomination of Station 74 B Platoon, Fire Department, to receive the EAC Quarterly Division Award at the Regular Council Meeting scheduled May 15, 2012, at 6:30 P.M. He indicated the Platoon had been nominated for their role in the rescue of three people from a third floor window at the Brookwood Apartments during a fire and smoke emergency.

B. EMPLOYEE OF THE MONTH, MAY 2012 – DAN JOHNSON, PUBLIC WORKS/ENGINEERING

City Manager, Wayne Pyle, stated Councilmember Christensen would read the nomination of Dan Johnson, Public Works Department, Engineering Division, to receive the Employee of the Month award for May 2012, at the Regular Council Meeting scheduled May 15, 2012, at 6:30 P.M. He indicated Mr. Johnson had been nominated for his dependability, calm demeanor and willingness to listen thereby making him a great leader by example.

C. PROCLAMATION RECOGNIZING MAY 2012 AS "AMERICAN STROKE AWARENESS MONTH" IN WEST VALLEY CITY

City Manager, Wayne Pyle, stated Councilmember Vincent would read a proclamation recognizing May 2012 as "American Stroke Awareness Month" in West Valley City at the Regular Council Meeting scheduled May 15, 2012, at 6:30 P.M.

6. PUBLIC HEARINGS SCHEDULED FOR MAY 15, 2012:

A. PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-3-2012, FILED BY WEST VALLEY PAVILION, LLC, AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF REQUEST FOR A ZONE TEXT CHANGE TO AMEND SECTION 7-22-406(15) OF THE 5600 WEST OVERLAY ZONE TO ALLOW FAST FOOD RESTAURANTS WITH DRIVE-UP WINDOWS UNDER CERTAIN CONDITIONS

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled May 15, 2012, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding an appeal of the Planning Commission's denial of Application No. ZT-3-2012, filed by West Valley Pavilion, LLC, and requesting a zone text change to amend Section 7-22-406(15) of the 5600 West Overlay Zone to allow fast food restaurants with drive-

up windows under certain conditions. He discussed information and documentation related to the appeal to be considered by the City Council subsequent to the public hearing, as follows:

ORDINANCE NO. 12-18, AMENDING SECTION 7-22-406 OF TITLE 7 OF THE WEST VALLEY CITY MUNICIPAL CODE, LAND USE DEVELOPMENT AND MANAGEMENT ACT, REGARDING USE LIMITATIONS IN THE 5600 WEST OVERLAY ZONE

City Manager, Wayne Pyle, discussed Application No. ZT-3-2012 and proposed Ordinance No. 12-18 which would amend Section 7-22-406 of Title 7 of the West Valley City Municipal Code, Land Use Development and Management Act, regarding use limitations in the 5600 West Overlay Zone.

Mr. Pyle stated Gordon Keig with West Valley Pavilion, LLC, the owner of the remaining pad sites at the Winco Shopping Center (on the northwest corner of 5600 West and Parkway Boulevard) had submitted a zone text change application to amend Section 7-22-406 of the 5600 West Overlay Zone. He indicated this section of the ordinance addressed use limitations. He explained one of the prohibited uses listed in the section was fast food with drive-up windows as a stand-alone business, or as the primary business on a development pad site. He indicated fast food could be allowed under the roof of another business as an accessory use with no drive-up windows. He stated the proposed change would allow fast food with drive-up windows under certain conditions. He reported the Council had received a document submitted by the applicant that answered various questions.

City Manager, Wayne Pyle, reported the 5600 West Overlay Zone had been adopted in April of 2004, and extended from 2100 South to 3100 South and 250 feet on either side of the right-of-way for 5600 West. The overlay zone had been put in place in part to encourage uses other than stand-alone fast food given the number of fast food business existing between 3100 South and 3500 South. He indicated existing stand-alone fast food businesses in this area included Subway, McDonalds, Burger King, Dairy Queen, Taco Bell, Carl's Jr., Culvers (opening soon), Wendy's and Chick-Fil-A.

Mr. Pyle indicated that between 3100 South and Parkway Boulevard most of the property within 250 feet of 5600 West was already developed or had recently been approved for development. He stated north of Parkway Boulevard there were three vacant pad sites at the Target anchored shopping center and one vacant pad site at the Winco anchored shopping center that fell within the overlay zone.

Steve Pastorik, CED Department, reported the Planning Commission, after hearing and consideration, had denied the application and the applicant was appealing to the City Council. He also reviewed the Application and proposed Ordinance and answered questions from members of the City Council. He also distributed and discussed a one page summary submitted by the applicant that included justification for the requested text change.

The City Council will consider the appeal and hold a public hearing regarding Application No. ZT-3-2012 and consider proposed Ordinance No. 12-18 at the Regular Council Meeting scheduled May 15, 2012, at 6:30 P.M.

B. PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING THE DECLARATION OF CITY-OWNED LAND LOCATED AT APPROXIMATELY 1200 WEST 3300 SOUTH AS SURPLUS PROPERTY AND DISPOSITION OF THE PROPERTY

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled May 15, 2012, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding the declaration of City-owned land located at approximately 1200 West 3300 South as surplus property and disposition of the property. He discussed proposed Resolution No. 12-60 to be considered by the City Council subsequent to the public hearing, as follows:

RESOLUTION NO. 12-60, APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN WEST VALLEY CITY AND SALT LAKE COUNTY FOR A LAND SWAP OF PROPERTIES LOCATED AT APPROXIMATELY 1200 WEST 3300 SOUTH

City Manager, Wayne Pyle, discussed proposed Resolution No. 12-60 which would approve an Interlocal Cooperation Agreement between West Valley City and Salt Lake County for a land swap of properties located at approximately 1200 West 3300 South.

Mr. Pyle stated Salt Lake County owned 1.721 acres of property at approximately 1231 W. Rosa Parks Drive, portions of parcels 15-26-301-012-4001 and 15-26-351-013. He also stated the City owned 2,457 acres of property at approximately 1262 W. Rosa Parks Drive, portions of parcels 15-26-301-4001 and 4002. He stated the City had requested the County trade the County property for the City property.

The City Manager indicated the City desired to acquire the above property in order to facilitate development of the Jordan River Marketplace project. He stated the trade was intended to be based upon equivalent land values of the proposed parcels. Based on appraisals conducted by Free and Associates, Inc. the value of the County property was \$5.00 per square foot, and the value of the West Valley City property was \$3.50 per square foot. He reported the proposed County to City parcel was 1.721 acres, and the proposed City to County parcel was 2.457 acres.

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City Manager, Wayne Pyle, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will hold a public hearing and consider proposed Resolution No. 12-60 at the Regular Council Meeting scheduled May 15, 2012, at 6:30 P.M.

7. RESOLUTION NO. 12-61, APPROVE AMENDMENT NO. 1 TO AN AGREEMENT BETWEEN WEST VALLEY CITY AND WASTE MANAGEMENT FOR RESIDENTIAL SOLID WASTE COLLECTION AND CURBSIDE RECYCLING

City Manager, Wayne Pyle, discussed proposed Resolution No. 12-61 which would approve Amendment No. 1 to an Agreement between West Valley City and Waste Management for residential solid waste collections and curbside recycling.

Mr. Pyle stated the original contract with Waste Management included an allowance for fuel surcharges when the price of diesel fuel exceeded a certain base amount. He indicated Waste Management purchased trucks that ran on compressed natural gas (CNG fuel) to serve West Valley City, which made calculations of the fuel surcharge difficult. He stated the rising cost of diesel fuel also resulted in fuel surcharges totaling over \$30,000 in the first six months of the contract.

The City Manager reported Waste Management had proposed a new way to adjust payments based on increased fuel prices for compressed natural gas. He stated the subject amendment would establish an additional charge per home per month, based on the current price of CNG versus the price of CNG when the contract began. He explained at current price levels, the new methodology would save the City approximately \$1,000 per month compared to the diesel fuel surcharge.

Public Works Director, Russell Willardson, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 12-61 at the Regular Council Meeting scheduled May 15, 2012, at 6:30 P.M.

8. RESOLUTION NO. 12-62, AUTHORIZE THE CITY TO PURCHASE REGULAR REFUSE AND RECYCLING CONTAINERS FROM REHRIG PACIFIC

City Manager, Wayne Pyle, discussed proposed Resolution No. 12-62 which would authorize the City to purchase regular refuse and recycling containers from Rehrig Pacific, in an amount not to exceed \$125,000.00.

Mr. Pyle stated that in response to request for bids, five bids had been received to furnish regular refuse and recycling containers for a one year period, with the option of extending the agreement for four additional one year time periods. He discussed the proposals and

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stated the City Council had received a container bid summary sheet outlining details of the proposals. He indicated all proposals were very close in price and all of the containers came with a 10-year warranty, but Rehrig Pacific had the best bid for the weight of containers asked for (40 lbs. for regular and 34 lbs. for recycling cans). He further stated he recommended Rehrig Pacific be awarded the contract.

Public Works Director, Russell Willardson, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 12-62 at the Regular Council Meeting scheduled May 15, 2012, at 6:30 P.M.

9. RESOLUTION NO. 12-63, AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE NO. 4, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

City Manager, Wayne Pyle, discussed proposed Resolution No. 12-63 which would authorize the execution and delivery of a Master Lease Agreement, Equipment Schedule No. 4, an Escrow Agreement, and related instruments, and determining other matters in connection therewith.

Mr. Pyle stated the proposed agreement would facilitate refurbishing a 2002 Pierce Saber Pumper (12738TR). He advised the source of financing would be an agreement with SunTrust Equipment Finance & Leasing Corp. with the term of lease being seven years with semi-annual payments at an interest rate of 2.5%.

The City Manager reported it had been determined refurbishing the 2002 Pierce Saber Pumper would be cost effective and a reasonable alternative to full cost replacement of that truck. He stated favorable terms had been negotiated with SunTrust Equipment to initiate a lease purchase transaction. He advised terms of the lease would be approximately the useful life of the asset acquired.

City Manager, Wayne Pyle, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 12-63 at the Regular Council Meeting scheduled May 15, 2012, at 6:30 P.M.

10. RESOLUTION NO. 12-64, AUTHORIZING WEST VALLEY CITY TO ENTER INTO AN AGREEMENT WITH PIERCE MANUFACTURING TO REFURBISH A 2002 PIERCE SABER PUMPER FOR USE BY THE FIRE DEPARTMENT

City Manager, Wayne Pyle, discussed proposed Resolution No. 12-64 which would authorize the City to enter into an Agreement with Pierce Manufacturing, in an amount

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not to exceed \$149,070.00, to refurbish a 2002 Pierce Saber Pumper (12738TR), for use by the Fire Department.

Mr. Pyle stated the City desired to refurbish a Pierce Saber Pumper with source of financing to be a SunTrust Lease Agreement with a term of seven years, semi-annual payments, and interest rate at 2.5%. He advised the subject truck had been purchased in 2002 and refurbishing of the unit would restore it to new condition. He stated refurbishing would result in a substantial savings compared to purchasing a new one. He also reported funds had been allocated for payments to accommodate this refurbishing contract in fiscal year 2013.

City Manager, Wayne Pyle, further reviewed and discussed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 12-64 at the Regular Council Meeting scheduled May 15, 2012, at 6:30 P.M.

11. CONSENT AGENDA SCHEDULED MAY 15, 2012:

A. RESOLUTION NO. 12-66, ACCEPT A STORM DRAIN EASEMENT FROM SPERRY TRADING, LLC, ACROSS PROPERTY LOCATED AT 2537 SOUTH 3270 WEST

City Manager, Wayne Pyle, discussed proposed Resolution No. 12-66 which would accept a Storm Drain Easement from Sperry Trading, LLC, across property located at 2537 South 3270 West.

Mr. Pyle stated the proposed easement would be used for an existing storm drain line which ran along the westerly portion of the Kodiak Fresh Produce site. He reported a long existing City storm drain line ran inside and along the westerly boundary of the subject site. He indicated as a requirement for approval for the proposed improvements to this site, an easement had been required to facilitate maintenance of the storm drain line by the City.

B. RESOLUTION NO. 12-67, ACCEPT A WARRANTY DEED FROM SPERRY TRADING, LLC, FOR PROPERTY LOCATED AT 2537 SOUTH 3270 WEST

City Manager, Wayne Pyle, discussed proposed Resolution No. 12-67 which would accept a Warranty Deed from Sperry Trading, LLC, for property located at 2537 South 3270 West.

Mr. Pyle stated a Warranty Deed had been signed by Sperry Trading LLC for additional right-of-way on the corner of 2555 South and 3200 West.

The City Manager reported Sperry Trading LLC was the owner of the property for the Kodiak Fresh Produce site. He further stated as a condition of approval for

site additions and modifications, additional right-of-way on the southeast corner of the subject property had been required to be deeded to the City. He stated the current parcel was rectangular in shape with the southeast corner of the property extending into the public improvements at the corner. He indicated the Warranty Deed conveyed the portion of property covered by the existing and required improvements (ADA ramps) at the southeast corner of the property.

C. RESOLUTION NO. 12-68, APPOINTING JANICE FISHER AS WEST VALLEY CITY'S REPRESENTATIVE TO THE MAGNA MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES FOR A FOUR YEAR TERM COMMENCING JANUARY 2, 2012, AND ENDING JANUARY 1, 2016

City Manager, Wayne Pyle, discussed proposed Resolution No. 12-68 which would appoint Janice Fisher as West Valley City's representative to the Magna Mosquito Abatement District Board of Trustees for a four-year term commencing January 2, 2012, and ending January 1, 2016.

Mr. Pyle stated Ms. Fisher had expressed a desire to serve on the Mosquito Abatement District Board as the City's representative.

The City Council will consider proposed Resolution Nos. 12-66, 12-67 and 12-68 at the Regular Council Meeting scheduled May 15, 2012, at 6:30 P.M.

12. **COMMUNICATIONS:**

A. ANIMAL SHELTER UPDATE

Upon direction by the City Manager, an update was given using PowerPoint by Layne Morris, CPD Director, regarding animal services and the shelter, and summarized as follows:

- Intake numbers for cats and dogs for last year
- Overview of proposal from No More Homeless Pets organization for partnership including three primary components - adoption support, spay/neuter assistance, TNR (Trap Neuter Release) program for feral cats

During the presentation of information, Mr. Morris answered questions from members of the City Council.

B. FLOAT UPDATE

Upon direction, Kevin Conde', Administration, discussed updated information regarding a West Valley City float for the upcoming parade season. Johnny Arbuckle from Valley Fair Mall was also recognized as being in attendance at the meeting.

Mr. Conde' discussed sponsorship of a float by the Valley Fair Mall, Miller Megaplex Theaters, and others. He distributed copies of a conceptual design drawing and written details regarding the float.

During the above presentation, Mr. Conde' answered questions from members of the City Council.

C. COUNCIL UPDATE

City Manager, Wayne Pyle, stated the City Council had previously received a Memorandum outlining upcoming meetings and events as follows: May 3 – June 27, 2012: Noticers: The Intersections of Art and Science Exhibit, UCCC; May 10, 2012: ChamberWest Golf Classic, Stonebridge Golf Course, 8:00 A.M.; May 12, 2012: Mother's Day Weekend at Rocky Mountain Raceway, 6555 West 2100 South; May 15, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; May 22, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; May 28, 2012: Memorial Day - City Hall closed; May 30, 2012: LMFAO, Maverik Center, 7:00 P.M.; May 30 – June 13, 2012: Viva Frida, UCCC; June 2, 2012: Fiesta! UCCC; June 2, 2012: Fire Ops 101 for Elected Officials at Station #73, 2780 South 2700 West, 7:00 A.M. – 3:00 P.M.; June 5, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 9, 2012: Cardboard Boat Race for Family Fitness Center Members, Fitness Center, 2:00 P.M.; June 12, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 19, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 21-24, 2012: WestFest, Centennial Park; June 25-30, 2012: Arts Council Production, UCCC; June 26, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 3, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 4, 2012: Independence Day Holiday – City Hall closed; July 10, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 17, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 24, 2012: Pioneer Day Holiday – City Hall closed; August 7, 2012: National Night Out; August 14, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 21, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 28, 2012: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; and September 3, 2012: Labor Day – City Hall closed.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL, THE STUDY MEETING OF TUESDAY, MAY 8, 2012, WAS ADJOURNED AT 6:28 P.M., BY MAYOR WINDER.

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